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Before the
Federal Communications Commission
Washington, DC 20554


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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Billed Party Preference for) CC Docket No. 92-77
InterLATA 0+ Calls)
)

COMMENTS

MCI Telecommunications Corporation (MCI) hereby comments on the petitions asking the Commission to reconsider and clarify its rate disclosure rule for interstate non-access code calls from aggregator locations and from inmate phones. 

MCI strongly supports the petition filed by Cleartel Communications, Inc., Operator Service Company, and Teltrust Communications Services, Inc. (Joint Petitioners), in which the Joint Petitioners ask the Commission to extend, until October 1999, the date by which facilities-based operator service providers (OSPs) must comply with the rate disclosure requirement -- the same date by which OSPs using store-and-forward devices must comply with the rate disclosure requirement. As stated by Joint Petitioners, facilities-based OSPs face financial and technical burdens similar to those faced by store-and-forward OSPs, which the Commission found justified granting them an additional 16 months to comply with the requirement. For example, due to technical constraints with the network, MCI will not be able to comply with the Commission's requirement with respect to the called party of a collect call by July 1998.¹ However, MCI will

¹ Accordingly, MCI intends to request a waiver of the Commission's requirement that OSPs must provide a rate quote to the called consumer of a collect call. MCI also will not be able to provide rate quotes to the party accepting the charges for a third party billed call by July 1998.

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be able to provide the required notification and rate information to the calling party for all non-access code operator calls. The comments demonstrate that a number of other carriers also will not be able to meet the July 1998 implementation date in all respects.² Rather than consider a myriad of waiver requests with the resultant piecemeal implementation of the rate disclosure requirement, the Commission should simply extend the date for compliance for all OSPs until October 1999.

MCI also supports the petitions asking the Commission to clarify that OSPs must only disclose charges that are billed by the OSP.³ As demonstrated by the petitioners, OSPs have no way of knowing or accurately disclosing to consumers charges for which the OSP does not bill. Accordingly, the Commission's disclosure requirement should only include charges billed by the OSP.

MCI opposes the petitions filed by a number of local exchange carriers (hereafter referred to as LEC Petitioners), in which the LEC Petitioners argue that the Commission's rate disclosure requirement should not apply to LECs and/or providers of intraLATA interstate non-access code calls.⁴ These petitioners argue that the Commission did not intend, or should not have intended, to apply the notification requirement to interstate intraLATA toll services because, for example,

However, based on the Commission's definition of "consumer," it is not clear that OSPs must provide the rate disclosure to this party.

² See, One Call Communications, Inc., d/b/a OPTICOM Petition; AT&T Petition at note 2; US West, Inc. Petition at 9.

³ See, AT&T Petition at 3; US West, Inc. Petition at 5.

⁴ See, Ameritech Petition at 13; US West, Inc. Petition at 5; BellSouth Telecommunications, Inc. Petition at 3; Bell Atlantic Petition at 1.

the Commission did not discuss intraLATA toll services in this proceeding; consumers are already protected from excessive rates under the Commission's price cap regime and through filed tariffs; the requirement will impact the intrastate services of LEC Petitioners' as well as their interstate operator services; and the requirement will be costly to implement.

These requests must be denied as the Commission's rulemaking and order clearly apply to all interstate non-access code calls, including intraLATA interstate calls and there is no reason why the requirement should not apply to such calls. Clearly, consumers should have the same opportunity to be informed about the price of interstate intraLATA 0+ calls as all other interstate 0+ calls. In addition, contrary to the argument of Ameritech, the Bell Operating Companies are not the only carriers that complete interstate intraLATA calls and, therefore, even assuming Ameritech's argument is valid that consumers are protected from excessive rates by application of the Commission's price cap regime, all such calls are not subject to price cap regulation. Moreover, all OSPs will incur costs to implement this requirement and the Commission would be conferring a competitive cost advantage to the LECs by exempting them. Accordingly, the LEC Petitioners' request should be denied.

Finally, MCI opposes the petition of the Citizens United for Rehabilitation of Errants (CURE), in which CURE asks the Commission 1) to require OSPs to provide copies of their informational tariffs to prison officials and to interested parties on request; 2) to provide the rate disclosure to the calling party as well as the called party to the collect call; and 3) to clarify that oral price disclosures may not detract from the total connection time available to inmates. As shown below, these requests would simply increase the cost of providing inmate services and provide little or no additional benefit to the consumer or the inmate calling party.

Carriers should not be required to incur the expense and devote the resources required to provide copies of the informational tariff to consumers on demand. Informational tariffs are public documents filed with the Commission and, therefore, anyone who wishes to obtain a copy of the tariff can do so through the Commission's procedures. In addition, because the Commission's new rules require OSPs to inform the consumer that he/she can obtain a rate quote on the call, there is no need to provide a copy of the tariff.

The Commission also should not require carriers to provide a copy of the informational tariff to prison officials. To the extent prison officials want a copy of an OSPs rates or tariff, they can, and do, request that the OSP provide such information and, in some cases, it is made available to the inmates. However, the Commission cannot require prison officials to make the informational tariff available to inmates and, therefore, requiring OSPs to provide this information to prison officials, whether or not they want it, would not achieve the desired result and would only further add to the cost of inmate services.

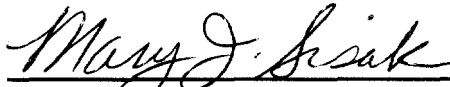
Similarly, the Commission's rate disclosure requirement should not be extended to include the calling party in the context of inmate services because it would not further the purpose of rate disclosure-- namely, to allow consumers to avoid excessive operator service charges by using an alternative service provider or service. Inmates do not have access to alternative service providers or services and, as the calling party, they do not pay for collect calls. Thus, a rate quote would provide no benefit to the inmate. Rather, it would only further add to the cost of these services.

Finally, the Commission should not declare that oral price disclosures may not detract from the total connection time available to inmates. Although it is not entirely clear what CURE means by this request, telephone calling privileges for inmates, including the length of time that an inmate may use a telephone, are the province of prison officials and OSPs must comply with the requirements established by those officials.

Based on the foregoing, MCI requests that the Commission grant certain aspects of the Petitions and deny certain aspects, as specified herein.

Respectfully submitted,

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Dated: May 6, 1998

CERTIFICATE OF SERVICE

I, Sylvia Chukwuocha, do hereby certify that the foregoing Comments of MCI Telecommunications Corporation were served this 6th day of May, 1998, by first-class mail, postage prepaid, on the parties listed below:

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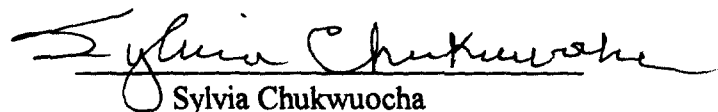
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